



# Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Michael R. Pence  
Governor

Carol S. Comer  
Commissioner

VIA ELECTRONIC MAIL

April 15, 2016

Mr. John C. Harman  
Liberty Mine, LLC  
528 Main St., Ste. 202  
Evansville, IN 47708

Dear Mr. Harman:

Re: Modification Request & Renewal of  
General Permit Coverage under 327 IAC 15-7  
NPDES General Permit No. ING040256  
Liberty Mine  
IDNR Permit No. S-00366  
5555 New Harmony Road  
Boonville, IN, Warrick County

IDEM has reviewed your NPDES Notice of Intent form received February 8, 2016 requesting renewal and modification of coverage under the NPDES general permit rule for coal mining activities, 327 IAC 15-7. The Liberty Mine currently operates under Approval No. ING040256. The NOI submittal requested that coverage be changed to remove Outfalls 004 and 005, as they have moved. The new location of these outfalls, now named Outfall 104 and 105 respectively, are denoted in the location chart on the enclosure to this letter.

The NOI has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has determined that the addition of the new outfalls will not affect this mine's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities, nor will the additional outfall points affect the site's ability to meet the reporting requirements. Therefore your petition to add the new outfalls #104 and #105 and to remove Outfalls 004 and 005 has been approved in accordance with Indiana Rules promulgated under 327 IAC 15-7. Coverage for the facility will now include all outfalls listed on the Attachment 1 to this correspondence.

We have reviewed the NOI and have determined that the mining activities associated with the request are not the result of any new or expanded permitted mining operations. Mining activity is a process of sequential coal removal and reclamation and as mining progresses and reclamation follows these activities will not result in any anticipated discharges to a receiving stream. We have determined that there will not be a new or increased loading of pollutants into the receiving streams(s), therefore the approval of this coverage is in compliance with the antidegradation standards at 327 IAC 2-1.3.

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The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the monthly monitoring report forms that were sent to you previously. If you need additional copies of this form, it is also available on the internet at the following web site:

<http://www.in.gov/idem/cleanwater/2396.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. Please be advised that IDEM will no longer accept paper DMRs or MMRs after December 31, 2016. Please see <http://in.gov/idem/cleanwater/2422.htm> for information on signing up for NetDMR.

This renewal of coverage which includes these modifications shall be deemed effective on **May 1, 2016**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on April 30, 2021. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

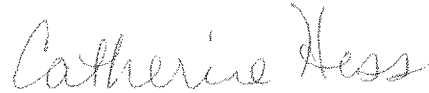
Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

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If you have any questions regarding this letter, please contact Ms. C. Anne Burget of our office at (317) 234-8745 or you may contact her via email at [cburget@idem.IN.gov](mailto:cburget@idem.IN.gov).

Sincerely,

A handwritten signature in cursive script that reads "Catherine Hess".

Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

cc: Warrick County Health Department  
Todd Huff, IDNR Division of Reclamation  
Alex Messamore, Vigo Coal Company, Inc.  
Raymond Purk, Vigo Coal Company, Inc.  
John Greaney, Liberty Mine, LLC

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### Attachment 1

#### Liberty Mine, LLC

**General Permit Coverage #ING040256**

**Renewal Effective Date: May 1, 2016**

**Expiration Date: April 30, 2021**

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	SS-01	38°, 06', 35"	-87°, 20', 10"	Alkaline	Squaw Creek
002	SS-02	38°, 05', 50"	-87°, 20', 46"	Alkaline	Squaw Creek
003	SS-03	38°, 05', 51"	-87°, 20', 55"	Alkaline	Squaw Creek
104	SS-04	38°, 05', 39"	-87°, 21', 16"	Alkaline	Squaw Creek
105	SS-05	38°, 06', 25"	-87°, 20', 44"	Alkaline	Squaw Creek
006	SS-06	38°, 05', 36"	-87°, 21', 7"	Alkaline	Squaw Creek
007	SS-07	38°, 05', 30"	-87°, 21', 08"	Alkaline	Squaw Creek
008	SS-08	38°, 05', 34"	-87°, 20', 21"	Alkaline	Squaw Creek

The following outfalls are no longer discharging

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
004	SS-04	38°, 05', 26"	-87°, 21', 21"	Alkaline	Squaw Creek
005	SS-05	38°, 06', 23"	-87°, 20', 26"	Alkaline	Squaw Creek

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2016 – 4D -GP

DATE OF NOTICE: April 15, 2016

The Office of Water Quality approves the following for NPDES GENERAL PERMIT coverage.

**RENEWAL w/MODIFICATION**

**LIBERTY MINE**, Permit No. ING040256, WARRICK COUNTY, Boonville, IN. This facility discharges non-process wastewater from a coal mine. This renewal w/modification is being issued because the facility is deleting 2 outfalls and adding 2 outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Anne Burget at 317/234-8745.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management  
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

OFFICE OF  
WATER QUALITY

<b>I. PURPOSE OF SUBMITTAL:</b>					2016 FEB -8 A 10: 20
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.					
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING	
	✓	✓	ING040256	Outfalls 004 & 005 are being relocated	

<b>II. GENERAL INFORMATION</b>						
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.						
a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY	
Alex Messamore			1221		Warrick	
g. DNR PERMIT OR AML SITE NUMBER			S-00366			
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER		
COMPANY NAME Liberty Mine, LLC				Latitude		Longitude
STREET ADDRESS 528 Main St. Suite 202				Degree	Minute	Second
				38	06	01
CITY Evansville				STATE IN	ZIP CODE 47708	
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION		
Liberty Mine				Township	Range	Section
				5S	8W	5,6,7,8,17,18
				5S	9W	13
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId		
STREET ADDRESS 5555 New Harmony Road				STREET ADDRESS		
CITY Boonville				STATE IN	ZIP CODE 47601	

<b>III. CONTACT INFORMATION AUTHORIZED SIGNATORY</b>	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
John C. Harman, Manager	Alex Messamore, Permits and Land Acquisition
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812-759-8446	812-759-8446
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
jharman@vigocoal.com	amessamore@vigocoal.com

**IV. CONTACT INFORMATION OTHER:**

<b>DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION</b>		<b>c. <u>CONTACT AND COMPANY NAME</u></b> Alex Messamore Liberty Mine, LLC		
<b>a. <u>CONTACT TELEPHONE NUMBER</u></b> 812-759-8446		<b>d. <u>STREET ADDRESS</u></b> 528 Main St. Suite 202		
<b>b. <u>CONTACT EMAIL ADDRESS</u></b> amessamore@vigocoal.com		<b>e. <u>CITY</u></b> Evansville	<b>f. <u>STATE</u></b> IN	<b>g. <u>ZIP CODE</u></b> 47708
<b>ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS</b>		<b>j. <u>COMPANY AND CONTACT PERSON NAME</u></b> Vigo Coal Company, Inc. Raymond T. Purk		
<b>h. <u>CONTACT TELEPHONE NUMBER</u></b> 812-759-8446		<b>k. <u>STREET ADDRESS</u></b> 528 Main St. , Suite 202		
<b>i. <u>CONTACT EMAIL ADDRESS</u></b> rpurk@vigocoal.com		<b>l. <u>CITY</u></b> Evansville	<b>m. <u>STATE</u></b> Indiana	<b>n. <u>ZIP CODE</u></b> 47708
<b>OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)</b>		<b>q. <u>COMPANY AND CONTACT PERSON NAME</u></b>		
<b>o. <u>CONTACT TELEPHONE NUMBER</u></b>		<b>r. <u>STREET ADDRESS</u></b>		
<b>p. <u>CONTACT EMAIL ADDRESS</u></b>		<b>s. <u>CITY</u></b>	<b>t. <u>STATE</u></b>	<b>u. <u>ZIP CODE</u></b>

**V. RULE QUALIFICATION:**

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES ☒ NO ☐

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

Liberty Mine is a surface coal mine that will engage in surface and highwall/augering mining operations, processing coal, as well as land reclamation activities. See Attachments V. for supplemental information

**VI. OUTFALL INFORMATION:** Please fill out the following information FOR ALL OUTFALLS  
 See Attachment VI. Outfall Information

a. IDEM OUTFALL NO.	b. DNR BASIN NO	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h.. Name of RECEIVING WATER <u>OR</u> if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	

**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
 Office of Environmental Adjudication  
 Indiana Government Center – North  
 100 North Senate Avenue, Room N501  
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

**X. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

**XI. REQUIRED FEES:**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application. Checks or money orders shall be made payable to IDEM.

**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Steve Weinzapfel February 3, 2016

**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

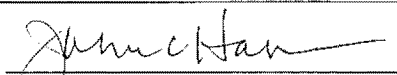
"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

John C. Harman, Manager

812-759-8446

Name and official title (type or print)

Area Code and phone No.

  
Signature

Feb 3, 2016  
Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251**

# ATTACHMENT VI: OUTFALL INFORMATION

VI. OUTFALL INFORMATION: Please fill out the following information for all outfalls											
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER
		deg	min	sec	deg	min	sec				
001	SS-1	38	06	35	087	20	10	No Flow	Alkaline	No	Squaw Creek
002	SS-2	38	05	50	087	20	46	No Flow	Alkaline	No	Squaw Creek
003	SS-3	38	05	51	087	20	55	No Flow	Alkaline	No	Squaw Creek
104	SS-4	38	05	39	087	21	16	No Flow	Alkaline	No	Squaw Creek
105	SS-5	38	06	25	087	20	44	No Flow	Alkaline	No	Squaw Creek
006	SS-6	38	05	36	087	21	7	No Flow	Alkaline	No	Squaw Creek
007	SS-7	38	05	30	087	21	08	No Flow	Alkaline	No	Squaw Creek
008	SS-8	38	05	34	087	20	21	No Flow	Alkaline	No	Squaw Creek

\*NOTE: Locations of SS-4 and SS-5 have changed from previous submittals. IDEM Outfall numbers are being changed to 104 and 105 accordingly.

